THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION NO. 23881 of 1995

Dated 22-08-2006

Between:

M/s. Amrit Apartment,
Somajiguda, Hyderabad
Rep., by the Managing
Partner Sushil D.Kapadi.

..Petitioner.

And

Government of Andhra Pradesh,
Rep., by the Principal Secretary,
Municipal Administration and
Urban Development Department,
Secretariat, Hyderabad and two others.

.. Respondents.

THE HON'BLE MS. JUSTICE G. ROHINI

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ORDER:

This writ petition is filed aggrieved by the order passed by the first respondent, dated 11-10-1995, whereunder the request of the petitioner for regularization of the deviations made in construction of residential apartments in Sy.No.34/1, Somajiguda, Hyderabad was rejected and the *status quo* being operated till the day was vacated.

This Court on 01-11-1995 granted interim orders in W.P.Mp.No.29362 of 1995, which runs as under:

> *" Heard learned counsel for the petitioner, Government Pleader for the first respondent, Standing Counsel for the second respondent and counsel for the third respondent.*
>
> *Learned counsel for the third respondent filed a letter given by the petitioner to the third respondent which reads as follows:*
>
> *"The mandatory open space on the southern side of Block 'A' will be set right by me after demolishing retaining wall and leveling the mandatory open space and making it a free ingress and aggress for the fire tenders as sanctioned plan."*
>
> *In view of this undertaking by the petitioner, the learned counsel for the third respondent has no objection for interim direction. Admittedly, some portions constructed in violation of the rules were already demolished. Under these circumstances, respondents 1 and 2 are directed not to demolish any further structures in pursuance of the notice dated 21/1/1994 of the second respondent and impugned Memo No.4420/M1/93-4*

MA, dated 11/10/1995 till further orders. The petitioner is also directed not to make any further constructions except complying with the undertaking given by him to the third respondent until further orders. The petitioner is directed to complete the works undertaken as mentioned above within four weeks."

It is not in dispute that in terms of the said order, the petitioner has demolished the retaining wall and compliance was also confirmed by the Commissioner and Special Officer, Municipal Corporation of Hyderabad and the Chief City Planner, MCH, Hyderabad. It is also brought to my notice that though the third respondent approached the District Consumer Forum, Hyderabad by filing C.D.No.693 of 1994 complaining against the petitioner with regard to the alleged deviations, the said complaint ended in dismissal on
31-05-1999.

Heard the learned counsel for the petitioner and the respondents 1 and 2. None appeared for the third respondent and there is no representation on their behalf.

In view of the interim order granted by this Court, which was duly complied with by the petitioner, the grievance of the third respondent does not survive and therefore, no further adjudication is necessary.

Accordingly the writ petition is disposed of. No costs.

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(G. ROHINI, J)

Dated 22-08-2006
KLP